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In re Application of
Fink et al.
Application No. 10/618,001
Filed: November 5, 2004
Attorney Docket No. 7327

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OFFICE OF PETITIONS

Decision on Petition

This a decision on the petition under 37 CFR 1.137(b), filed November 5, 2004, to revive the above-identified application.

The petition is **granted**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Application (Notice) mailed October 14, 2003. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on December 15, 2003. A Notice of Abandonment was mailed on October 20, 2004.

The instant petition requests revival of the application. Petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b). Therefore, the petition is granted and the application is revived.

The fee for a petition under 37 CFR 1.137(b) on November 5, 2004, was \$685. Petitioner submitted \$640. Therefore, \$45 was charged to petitioner's deposit account. In addition, \$65 was charged to the deposit account since the declaration was submitted after the filing date for the application.

Petitioner may wish to note the address of record varies slightly from the address on the petition. If appropriate, petitioner may wish to request a change of address in order to include "Ste. 170" as part of the correspondence address.

37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. If the statement contained in the instant petition varies from the language required by 37 CFR 1.137(b)(3), the statement contained in the instant petition is being construed as the statement required by 37 CFR 1.137(b)(3) and petitioner must notify the Office if this is **not** a correct interpretation of the statement contained in the instant petition.

The Office of Initial Patent Examination will be informed the application has been revived so that it may further process the application.

Telephone inquiries may be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Petitions Attorney
Office of Petitions